IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE:	Elevator Cab Design	)
		) Art Unit 3654
INVENTORS:	Jeffrey Friedman	)
	Harold S. Friedman	) Examiner: Pico, Eric
	Angelo Palmieri	)
		)
APPLICATION NO.:	10/748,440	)
		)
FILING DATE:	December 30, 2003	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR REVISED APPEAL BRIEF

Dear Sir:

Attached are the following documents.

1. Revised Appeal Brief.
2. Certificate of Mailing by First Class Mail.
3. Return Postcard.

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 23-3428.

Dated: July 24, 2007

Respectfully submitted,

Douglas C. Wyatt
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE:	ELEVATOR CAB DESIGN	) Examiner: Eric E. Pico
INVENTORS:	Jeffrey Friedman Harold Friedman Angelo Palmieri	) Group Art Unit: 3654
APPLICATION NO.:	10/748,440	)
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REVISED APPEAL BRIEF

In response to the Notification of non-Compliant Appeal Brief dated June 25, 2007, Applicants submit this Revised Appeal Brief, including a compliant Status of the Claims.

On March 5, 2007, Applicants filed a Notice of Appeal requesting Appeal from a Final Office Action dated November 3, 2006. On March 20, 2007, Applicants filed a Pre-Appeal Brief Request for Review which was not considered on the stated basis that it was not filed at the time of the Notice of Appeal. On May 7, 2007 Applicants filed their Appeal Brief, and enclosed the required fee of $250.00 for filing a brief in support of an appeal, and $500.00 for Request for Oral Hearing.

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02 FC:2403 500.00 DA

Real Party in Interest

The real parties in interest are: Jeffrey Friedman, Harold Friedman, and Angelo

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that the foregoing Revised Appeal Brief, Certificate of Mailing by First Class Mail and Return Postcard are being mailed by first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 24th day of July, 2007.

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Palmieri.

Related Appeals and Interferences

There are no other appeals or interferences which may be related to, directly affect or directly affected by, or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1 - 10 are pending in the application and claims 1 – 10 have been rejected. Applicants appeal the rejection of claims 1-10.

Status of Amendments

There are no amendments filed subsequent to the final rejection.

Summary of Claimed Subject Matter

The claimed subject matter addresses the problem of increasing the interior space of an elevator cab under the pre-existing constraints imposed by the available interior space of an elevator shaft (11), while satisfying the necessary requirements of elevator cabs, namely structural soundness, aesthetic appearance of the interior, and sound attenuation. See pp. 2–8; p. 2, lines 8-15; p. 3, lines 5-10; p. 4, lines 11-12, 15-16, 18; p. 6, lines 4-9; p. 7, lines 5-8; p. 11, lines 16-17. Specifically, interior stiffeners are provided to provide support, and are placed on the **interior** of the elevator cab shell panels and in between the decorative panels. Thus, a novel design that increases interior space of an elevator cab is provided, which is not shown or suggested by the prior art. The present invention also relates to a novel way of increasing interior elevator cab size

of the elevator cab and still retain the important design feature of having removable decorative panels mounted on elevator interior shell panels.

Traditionally, elevator cab design requires walls forming the interior of the elevator in the form of shell panels mounted between a platform and ceiling. In the prior art, shell panels are stiffened by vertical stiffeners on the **exterior** of the shell that extend toward the elevator shaft. Decorative panels are mounted on the inside of the shell panels to cover structural elements and thereby extend into the interior of the elevator cab. Thus, the wall thickness is the sum of the shell wall and the depth of the exterior vertical stiffeners plus the thickness of a decorative panel mounted on the shell. As a consequence, the interior space of an elevator cab of prior art designs is reduced by both length and width.

New elevator cab construction and reconstruction of old elevator cabs are frequently presented with the problem of increasing the interior size of the elevator cab in an elevator shaft of limited size to accommodate passenger needs. Small increases in length and width of the interior of elevator cabs allows more room for convenient accommodation of wheel chairs and other passenger needs. Although elevator cabs have been around for over a hundred years, no one has presented this solution for increasing the size of the interior of elevator cabs until the instant invention.

Presently, Claims 1 and 7 are the sole independent claims in the application.

The subject matter of claim 1 includes shell panels (4), which are provided

forming the walls (1) of the cab with a ceiling (7) and platform (5a) (base 5). See, e.g., Figs 1-4; p. 2, lines 15-19; p 5, lines 5-16; p. 7, lines 2-7; p. 9, lines 13 – 18; p. 10, line 14 p. 11, line 2. In addition, two types of stiffeners are provided on the shell panels to provide structural support, namely corner stiffeners and stiffeners on the interior of the shell panels. Vertical corner trim stiffeners (8) are located at the corners of the cab and support the shell panels (4). See, e.g., Figs. 4, 5; p. 3 lines 16-17; p. 6, lines 6-7; p. 10, lines 1-3. In addition to the vertical corner trim stiffeners, stiffeners (3) are provided on the interior of the shell panels (4) and are positioned between the corner stiffeners to provide additional support. See, e.g., Figs 1-2, 4, 8 (stiffeners 3); p. 3, lines 5-11; p.6, lines 4-9; p. 11, lines 9 - 16. Furthermore, decorative panels (2) are provided which are mounted on the shell panels (4) on the interior of the cab and are mounted between the stiffeners. See, e.g., Figs. 1-4; p. 3, lines 5-11; p. 11, lines 7-8; p. 12, lines 9-14.

The subject matter of independent claim 7 also provides for the shell panels to be attached to the ceiling and platform by a base and transom, which base and transom are both channel-shaped and offset outwardly from the vertical plane of the shell panels toward the elevator interior. See, e.g., Figs 1-4; p. 5, lines 5-16. In addition, claim 7 also provides vertical hat-shaped interior stiffeners which are formed on the shell panels from the panel material to provide stiffening. See, e.g., Figs. 1, 2, 4, 8; p. 5, line 17-p. 6, line 7. The novel stiffeners may be formed from the shell panel material and directed

inwardly. No prior art discloses or suggests this structure.

Grounds of Rejection to be Reviewed on Appeal

Applicants request review since one or more essential elements needed for a *prima facie* rejection are missing and not shown by any of the references of record.

1. Accordingly, Applicants request review of the final rejection of the subject matter of claim 1 under 35 U.S.C. §103(a) over Lazar, in view of Akira and Brounn. See Office Action dated November 3, 2006 at pp. 2-3.

2) In addition, Applicants request review of the final rejection of claim 7 under 35 U.S.C. §103(a) over Lazar, in view of Brounn, Seki, Norihisa, and Akira. See Office Action dated November 3, 2006 at pp. 6-8.

Argument

1. None of the Cited References Disclose or Suggest "stiffeners on the interior of the shell panels to provide suitable support" as Required by Claim 1 .

Claim 1 has been finally rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,700,809 to Lazar in view of JP 06-144,748 to Akira and U.S. Patent No. 3,631,942 to Brounn. Although the Examiner has cited several references to support an obviousness rejection by way of combination, none of the references disclose or even suggest an important aspect of the invention: "stiffeners on the interior of the shell panels to provide suitable support".

Lazar does not suggest or disclose "stiffeners on the interior of the shell panels to provide suitable support" as required by claim 1.

Applicants rebutted the Examiner's citation of Lazar, showing that in Lazar, the vertical corrugations, 69, 79 are on the outside of the shell panels 60, 70, not on the interior. See Applicants' Response dated September 13, 2006 at p. 7. The Lazar reference provides that "Each of the side edges 66 and 68 form one leg of a U-shaped channel 66a, 68a that projects at a right angle towards the car **exterior** from the respective side edge 66, 68 a distance t." Lazar, Col. 2, lines 22-25 (emphasis added). See also Applicant's Response dated January 12, 2007 at p. 6-7. Nowhere does Lazar disclose or suggest the claimed stiffeners which are provided on the interior of the shell panels and which extend into the interior space of the elevator cab.

Akira does not disclose "stiffeners on the interior of the shell panels to provide suitable support" as required by claim 1.

Applicants rebutted the Examiner's citation of Akira, showing that in Akira, the corner pillars 3 and joints 4 (referred to by the Examiner as "vertical corner trim stiffeners") are provided at the corners of the cab. The corner trim stiffeners in Akira are not the same as the claimed "stiffeners on the interior of the shell panels to provide suitable support", which are in addition to the corner stiffeners as required by claim 1. See Applicants' Response dated September 13, 2006 at p. 7-8. See also Applicants' Response dated January 12, 2007 at p. 7-8. It is an important aspect of the claimed invention that where additional stiffeners on shell panels are used to provide suitable support (in addition to corner stiffeners), that the stiffeners are provided on the interior of the shell panels and disposed

between decorative panels to increase interior space. Accordingly, Akira does not disclose or suggest "stiffeners in the interior of the shell panels to provide suitable support", which stiffeners are not the corner trim stiffeners, also required by claim 1.

Brounn does not disclose "stiffeners on the interior of the shell panels to provide suitable support" as required by claim 1.

Applicants rebutted the Examiner's citation of Brounn, showing that the intermediate columns 38, 39, 60, 65 in Brounn are not "stiffeners on the interior of the shell panels". Brounn does not provide shell panels. Rather Brounn uses the columns to create a skeleton for an elevator cab, and thus the columns in Brounn are not "on the interior of the shell panels" as required by claim 1. See Applicants' Response dated September 13, 2006 at p. 8-9. Specifically, Brounn describes "using frame wall structures to form a rigid skeleton chassis, [and] lightweight decorative panels to form the cab walls..." Col. 1, lines 49-50. See also Applicant's Response dated January 12, 2007 at p. 12-16.

Accordingly, Brounn does not disclose or suggest "stiffeners in the interior of the shell panels to provide suitable support".

2. Neither Lazar, Akira or Brounn Disclose or Suggest Providing "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as Required by Claim 1

As acknowledged by the Examiner, neither Lazar nor Akira disclose the claimed

decorative panels.

In addition, Brounn does not disclose or suggest "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners." See Applicant's Response dated September 13, 2006 at p. 8-9. The wall panels in Brounn (28, 29, 30, 45, 46, 52, 53) are mounted **on top** of the columns (38, 39, 60, 65) in Brounn, and are not "mounted **between** said stiffeners" as required by claim 1.

Furthermore, Brounn's skeleton construction lacks shell walls for mounting decorative panels on the shell panels and between the stiffeners. See, e.g., Fig. 1. See also Applicant's Response dated January 12, 2007 at 14-17. Since, Brounn does not disclose shell panels, Brounn does not disclose or suggest "decorative panels mounted on said shell panels" as required by claim 1.

Accordingly, the subject matter of claim 1 is neither disclosed nor suggested by the cited references.

3. None of the References, Whether Taken Alone or in Combination, Disclose or Suggest the Subject Matter of Claim 7.

Claim 7 has been finally rejected under 35 U.S.C. 103 as being unpatentable over Lazar in view of Akira, Brounn, JP Publ. No. 05-330765 to Seki, and JP Publ. No. 06-001569 to Norihisa et al. See Office Action dated 11/6/2006 at pp. 6-8.

For at least the above states reasons regarding claim 1, the subject matter of claim 7 is neither suggested nor disclosed by the references or record. Specifically, neither

Lazar, Akira nor Brounn disclose or suggest "interior stiffeners formed on said shell panels" to provide stiffening nor "decorative panels mounted on said shell panels on the interior of said cab between said vertical stiffeners."

In addition, the final rejection was improper since Seki does not suggest or disclose a base and transom which are both channel shaped and offset outwardly from the vertical plane of the shell panels toward the elevator interior, as required by claim 7, since the "reinforcement 9" is not a shell panel as described by the Examiner, and because "side plate 3" is not a base and transom as described by the Examiner.

Furthermore, Norihisa et al. does not disclose or suggest "vertical hat-shaped interior stiffeners formed on [the] shell panels" as required by claim 7. The structure 25 in Norihisa is not on the interior of the shell panels. Instead, the structure 25 in Norihisa is shown as attached to the outside of an inner-wall structure.

Accordingly, the subject matter of claim 7 is not disclosed or suggested by the cited references.

4. Clear Error was Made By the Examiner's Assertion that it Would Have Been Obvious to Provide the Missing Elements and any Improper Reliance Upon Personal Knowledge

Important aspects of the invention includes "stiffeners are provided on the interior of the shell panels to provide suitable support", and "decorative panels are mounted on the shell panels and between the stiffeners." These elements provide for increased interior space of the elevator cab and are not obvious in view of the references of record.

As shown above, neither Lazar nor any of the other references disclose or suggest "stiffeners on the interior of the shell panels" nor "decorative panels mounted on said shell panels" and "between said stiffeners". Therefore the combination of references cited by the Examiner fail to make a *prima facie* case of obviousness. See Applicants' Response dated September 13, 2006 at p. 8-9. See also Applicant's Response dated January 12, 2007 at p. 10-12, 15-17.

In addition, there is nothing in the references to suggest, modify or motivate one of ordinary skill in the art to provide "stiffeners on the interior of the shell panels to provide suitable support" nor "decorative panels mounted on said shell panels" and "between said stiffeners" and the Examiner has pointed to no such disclosure. See Office Action dated November 3, 2006 at p. 10. .

To the extent that Examiner relied upon personal knowledge to modify the references to provide the missing claim elements, Applicants submit that such reliance is proper in view of Applicants request for an affidavit, see 37 C.F.R. 1.104(d)(2); MPEP 2144.03, and in view of the Office Action being made final, see MPEP 2144.03(A). See Applicant's Response dated September 13, 2006 at p. 8-9, and in view of Applicants clear rebuttal of the Examiner's obviousness rejections in both the first and final Office Actions.

Conclusion

For at least the above stated reasons, the final rejection of claims 1 and 7 should be reversed and the claims allowed. Since claims 2-6, and 8-10 depend from claims 1 and 7, claims 1-10 contain allowable subject matter in view of the art of record. Accordingly, Applicants respectfully request allowance of claims 1-10. Attorneys for Applicants are available to discuss any of the forgoing at (212) 681-0800.

Dated: July 24, 2007

Respectfully submitted,

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APPENDICES

Claims Appendix

1. (Original) An elevator cab construction for increasing interior cab size of elevator cab including:

(a) shell panels forming the interior walls of the cab with a ceiling and platform.

(b) stiffeners on the interior of said shell panels to provide suitable support,

(c) vertical corner trim stiffeners in the corners of the cab supporting said shell panel,

(d) decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners.

2. (Original) The elevator cab of claim 1 wherein said shell panels have openings to the elevator shaft to provide ventilation through said stiffeners.

3. (Original) The elevator cab of claim 2 wherein said stiffeners are vertical and separate strips of stiff material attached vertically to said shell panels.

4. (Original) The elevator cab of claim 3 wherein said decorative panels are approximately the same thickness as said vertical stiffeners and extend inwardly from said shell panels.

5. (Original) The elevator cab of claim 4 wherein said vertical stiffeners are channel-shaped.

6. (Original) The elevator cab of claim 5 wherein said shell panels are attached to

said platform by a base section and to the ceiling by a transom riser section offset from the plane of said shell panels.

7. (Previously presented) An elevator cab construction for increasing the interior cab size of elevator cab including a platform and a ceiling

(a) shell panels forming the interior walls of said elevator cab attached to said ceiling and platform by a base and transom which base and transom are both channel-shaped and offset outwardly from the vertical plane of said shell panels toward the elevator interior,

(b) vertical hat-shaped interior stiffeners formed on said shell panels from said panel material to provide stiffening,

(c) vertical corner trip stiffeners in the corners of the cab to support said shell panels,

(d) decorative panels mounted on said shell panels on the interior of said cab between said vertical stiffeners.

8. (Original) The elevator cab of claim 7 wherein said decorative panels are approximately the same thickness as said vertical stiffeners.

9. (Original) The elevator cab of claim 8 wherein said vertical stiffeners are hat-shaped.

10. (Original) The elevator cab of claim 9 wherein said shell panels have an opening to the elevator shaft to provide ventilation through said hat-shaped vertical stiffeners.

11. (Cancelled) The elevator cab of claim 10 wherein said shell panels are attached to said platform by a base section and to the ceiling by a transom riser section.

Evidence Appendix

No additional evidence is provided.

Related Proceedings Appendix

There are no related decisions or proceedings.